

Response to Industry Questions

Q1. Have the item specifications & attached documents been uploaded? If so could you provided the URL to access?

A1. Yes, all item specifications and attached documents have been uploaded to the USPTO Office of Procurement homepage at:

http://www.uspto.gov/about/vendor_info/current_acquisitions/DOC52PAPT1200048_2012_general_purpose_Information_technology_equipment_home.jsp

Q2. I am inquiring about the subject solicitation that is currently posted on FedBizOpps. Upon review of the solicitation, I have tried several different times to access the links provided for the specifications of products requested and am unable to access the sites. I'm not sure if you have been contacted by others, however I would like to know if you could please provide the applicable links or update those posted on FBO so we can gain access to the product items/specification listings.

Also, under (2)(b), do sales have to exceed the \$500,000.00 for each of the 5 current customers, or a combined \$500,000.00 for the 5 customers.

A2. If problems still remain in accessing the links provided in the posted RFQ, please try the link listed at:

http://www.uspto.gov/about/vendor_info/current_acquisitions/DOC52PAPT1200048_2012_general_purpose_Information_technology_equipment_home.jsp

Under Factor 2, Past Performance and Experience, the Offeror is required to submit references from 5 current customers with whom the offeror has had an established relationship for over one year and have had sales for IT Products in excess of \$500,000, cumulative/combined of all sales, for any one (1) year period within the last five (5) years.

Q3. My question and concern is there any exception to the 5 year rule in being in business to be considered for this opportunity if we submit a response? If not will there be a revisit of the IDIQ vendors in a year's time to consider us or have the opportunity to submit for a IDIQ?

A3. Unfortunately, there are no exceptions to the five (5) year rule in established businesses; Vendors that submit quotes in response to this synopsis/solicitation are **required** to have been in business for five years or longer.

Although there are no plans to recompute this requirement next year, we have stated that we will review our list of the IT IDIQ contracts annually. Please review the USPTO Office of Procurement's website periodically for any announcements regarding upcoming requirements.

Q4. I have been on your website and have been able to download all of the product info with the exception of attachment 1. When I access the file it states it's corrupt and cannot be repaired. Is it possible for you to send it to me directly?

A4. Unfortunately, the attachment cannot be sent to you directly, however, please try accessing the link again at:

http://www.uspto.gov/about/vendor_info/current_acquisitions/DOC52PAPT1200048_2012_general_purpose_Information_technology_equipment_home.jsp

Q5. As a product reseller, we are accustomed to seeing the following exception to the NAICS size standards:

“The small business size standard for a Contractor providing a product which it does not itself manufacture itself, for a contract other than a construction or service contract, is 500 employees.”

Does such an exception apply to this RFP? Please advise at your earliest convenience.

A5. Yes, an exception of 500 employees for non-manufacturers could apply to this RFQ. However, this NAICS code is no longer applicable to this requirement. Please see Amendment 0001.

Q6. Reference requirement for Backup Tapes. The listed components appear to be an upgrade for an existing platform. IBM requires that all quotes for upgrades require the Serial Number for the product being upgraded to assure accurate pricing and compatibility.

A6. The USPTO did not specify a brand name for the Backup Tapes, therefore, no Serial Number can be provided.

Q7. Reference CLIN 0003. The products requested have been prematurely “EOL’d” by the manufacturer. The manufacturer has provided USPTO with alternative configurations.

A7. If a part number has changed or been replaced for the hardware or software as a result of an upgrade by the manufacturer, the Offeror is to price the most recent version or replacement part number. The Offeror shall note the new part or version number on its pricing documentation.

Q8. Regarding the Small Business Size Standard of \$25.5 million, is there any way PTO will consider increasing that amount?

A8. Please refer to Answer No. 5 and Amendment 0001.

Q9. To follow on to my previous email, would you consider allowing a Small Business Size Standard of less than 500 employees?

A9. Please refer to Answer No. 5 and Amendment 0001.

Q10. As a current Value Added Reseller (VAR) for the USPTO, we are concerned with the NAICS code chosen to procure this program under. The reference sections above all point to a VAR and not Computer and Software Stores as described in the NACIS code. We recommend the USPTO consider modifying the NAICS Code to 541519 (Other

Computer Related Services) which does not maintain the \$25.5M threshold while at the same has an exception (18) tied directly to it for Information Technology Value Added Resellers with a size standard of 150 employees or less.

A10. Please see Amendment 0001.

Q11. As a Value Added Reseller it is our goal to help the Government achieve the objectives outlined in the RFQ, at the best possible price for USPTO. Keeping this in mind, we kindly request your consideration in changing the **NAICS Code to 541519 – Other Computer Related Services – Information Technology Value Added Resellers** which addresses the size standard in number of employees.

A11. Please see Amendment 0001.

Q12. We respectfully suggest that you consider NAICS 541519 with Note 18 for IT VARs with 150 employees or less. This will provide USPTO with a significantly greater competitive field of offerors with the highest level of authorizations & certification as well as the fiscal capability to support the level of business at USPTO. Changing to a NAICS that is employee size based may result in offerors with significantly greater capabilities, particularly for the financing of IT hardware procurements for larger, multi-million dollar projects.

A12. Please see Amendment 0001.

Q13. Would it be possible for PTO to consider the following NAICS codes in place of, or in conjunction with, the originally stated NAICS code for the IDIQ solicitation?

423490* 500 size standard designation

423120 * 500 size standard designation

A13. Please see Amendment 0001.

Q14. The NAICS code used for the expiring IDIQ is 423430. The NAICS code is for Computer and Computer Peripheral Equipment and Software Merchant Wholesalers. The small business cutoff was defined as 100 employees.

The new NAICS code is 443120 which is for Computer hardware and software retailers. The Small Business cutoff is defined as \$25.5 million USD in revenue.

In order for resellers to be authorized to carry major brands, resellers must make investments and commitments to the OEMs. Many require that a minimum level of business be maintained in order to be authorized.

This vendor believes that NAICS code 443120 is not appropriate for enterprise class hardware and software and is more appropriate for commercial grade desktops and laptops.

This vendor suggests that the previous NAICS code, 423430 or NAICS code 541519 be used. NAICS code 423430 has a small business cutoff at 100 employees and 541519 has a small business cutoff at 150 employees. DHS' First Sources II IDIQ and VA's VA CEC IDIQ used NAICS code 541519.

A14. Please see Amendment 0001.

Q15. If we team with a small business, can we use their past performance?

A15. No, all Past Performance must be completed by the Prime contractor.

Q16. Can we team with multiple small businesses, and use a mix of the team's past performances? If so, is there a minimum requirement for number of past performance citations from the prime? e.g. 3 from Company A (the prime) and two from our small business teaming partners?

A16. Please refer to Answer No. 15.

Q17. Can we team with a major reseller (i.e. Company B) and use their past performance? We are a longstanding member of Company B's small business consortium and plan to work closely with them to fulfill the USPTO task orders.

A17. Please refer to Answer No. 15.

Q18. We will be 5 years old come December 2012. Does this disqualify us as a prime?

A18. Yes. Vendors that submit quotes in response to this synopsis/solicitation are required to have been in business for five years or longer.

Q19. In the RFQ, supplemental instructions Section C, it says the Offeror is required to submit "references" from 5 current customers. Does this mean we submit 5 past performance write-ups/citations, or do we supply people references? If the latter, not sure how this dovetails with the Open Ratings reference requirement.

A19. The Open Ratings, Inc. submission requirement is separate from the requirement to submit references from 5 current customers with whom the Offeror has had an established relationship for over one year with sales for IT products in excess of \$500,000 (cumulative of all sales). The details as to what to include in the 5 references is described in the RFQ at Supplemental Instructions, §C. Although an Offeror is free to include the 5 current customers among the suggested 20 references to Open Ratings, the submissions are separate requirements.

Q20. In reference to the size standard of \$25.5M, for bidding on the proposal, would it be possible to put in a place an alternative standard for number of employees? A \$25.5M ceiling will likely limit this solicitation to all except brand new VAR's who have been in business for less than a year or two.

A20. Please see Amendment 0001.

Q21. The link provided in the FBO announcement, http://tampa-wip.uspto.gov/about/vendor_info/current_acquisitions/index.jsp, does not work. Is there another link to use?

A21. If problems still remain in accessing the links provided in the posted RFQ, please try the link listed at:
http://www.uspto.gov/about/vendor_info/current_acquisitions/DOC52PAPT1200048_2012_general_purpose_Information_technology_equipment_home.jsp

Q22. Will the USPTO accept quotes from joint ventures?

A22. No. the USPTO will not accept quotes from joint ventures.

Q23. The solicitation states that vendors submitting quotes in response to the “synopsis/solicitation are required to have been in business for five years or longer.” If the offeror is a joint venture, can the offeror meet this requirement based on the experience of the individual joint venture partners?

A23. Please refer to Answer No. 22.

Q24. In evaluating past performance, will the USPTO consider the past performance of individual partners to a joint venture, if the offeror submits a quote as joint venture?

A24. Please refer to Answer No. 22.

Q25. In evaluating past performance, will the USPTO consider the past performance of proposed subcontractors?

A25. No, the USPTO will not consider the past performance of proposed subcontractors.

Q26. If the offeror submits a quote as a joint venture, must the offeror submit a past performance evaluation to Open Ratings, Inc. for both partners to the joint venture?

A26. Please refer to Answer No. 22.

Q27. Will the May 31 deadline be extended?

A27. Yes, the proposal submission date will be extended. Please see Amendment 0001.

Q28. Is the total page number for the entire submission 20 pages?

A28. Capabilities statement, catalogs, and brochures shall not exceed 20 pages in length. However, documentation provided for past performance references (Item #2(b) above) will not count toward the 20-page limitation. Table of contents and any cover letter will not be included in the 20-page limitation. Pricing information submitted in response to Item #4 above will not count toward the page limit.

Q29. With regards to “Attachment 6 – Backup Tapes”, do you have product numbers of the items listed?

A29. Please refer to Answer No. 6.

Q30. Can we team with a small business or multiple small businesses, and can these team members contribute to the past performance within the RFQ? By allowing for this clarification to include Past Performance of the team members proposing to the Government, USPTO will receive a better insight to the Contractors entire proposed solution, and their project team’s capabilities.

A30. Please refer to Answer No. 15.

Q31. If we are permitted to use the past performance of small business teaming partners, is there a minimum requirement for number of past performance citations from the prime? For example, three (3) from V3Gate (the prime) and two from our small business teaming partner(s)?

A31. Please refer to Answer No. 15.

Q32. If we team with one or multiple small businesses, does the small business team members (serving as sub-contractors) have to be at least 5 years old, or is that only a requirement for the prime?

A32. The requirement of the Small Business being at least five (5) years old is a requirement for the Prime Contractor only.

Q33. Can we team with a large reseller and can they contribute to the past performance within the RFQ?

A33. Please refer to Answer No. 15.

Q34. On a similar note, we feel USPTO would greatly benefit from small business primes to partnering with large resellers, as they can complement the offering small businesses bring to the contract. As such, if the small business does not have “other factors” USPTO lists (such as online ordering, obtaining quotes online, etc.) can the small business utilize their teaming partners abilities to do this? This would provide a large suite of online procurement tools to USPTO which would otherwise not be available with most small business respondents.

A34. No, Factor 3, Other Factors, that USPTO has listed are requirements that the Prime Contractor must meet.

Q35. If the small business that is bidding on this contract (as the prime) becomes 5 years old in December 2012, are they disqualified from being a prime? What is the "as of" date for the requirement of being 5 years old?

A35. Yes, the Small Business will be disqualified from being the Prime, the Small Business will not be five (5) years old until December 2012. Vendors that submit quotes in response to this synopsis/solicitation are **required** to have been in business for five years or longer. The "as of" date for the requirement of being five (5) years old would be the date of proposal submission.

Q36. In the RFQ, supplemental instructions Section C, it says the Offeror is required to submit "references" from 5 current customers. Does this mean submit 5 write-ups/citations or just people references from the clients we want to highlight? If just references, please explain how this relates to the Open Ratings reference requirement.

A36. Please refer to Answer No. 19.

Q37. Assuming you require past performance write-ups describing our work, are there any minimum requirements in terms of what we include in the write-up? E.g. description of work, contract number, term, revenue to-date, key contact, value we provided, reporting requirements, value added services, etc?

A37. Please refer to Answer No. 19.

Q38. We would like to request to allow respondents to respond to a comparable manufacturer alternative for the listed product. We understand the request for quotes is for evaluation purposes; however we feel allowing alternative quotes would provide USPTO a deeper insight to the best priced solution available.

A38. Although brand names are identified, in most cases, functional requirements are described as well. Therefore, alternatives, if comparable, may be provided. If a part number has changed or been replaced for the hardware or software as a result of an upgrade by the manufacturer, the Offeror is to price the most recent version or replacement part number. The Offeror shall note the new part or version number on its pricing documentation.

Q39. Can you further define "current customer"? For example, we completed a large hardware commodities contract with a customer last year, however we continue to sell products to them on an ad hoc basis using our GSA Schedule. Would they be defined as "current"?

A39. For purposes of this procurement, yes, they would be defined as current.

Q40. Will you send an email alerting the interested parties to the amendment posting?

A40. No, an email alerting the interested parties of an Amendment posting will not be sent. The RFQ stated that all updates will be posted at the identified websites.

Q41. Examples of items that the USPTO may be procuring are: servers, server racks, color scanners, mass storage units, fiber channel ports and fabric management software for Cisco Systems, dual port fibre channel cards, routers and switches, security software, automated tape libraries, data tape cartridges, security software, software maintenance,

and virus control software. The vendor must be able to demonstrate that they can offer the USPTO a vast array of IT Products.

- 1- Can you please explain in more detail what you want to see regarding product offerings? For example are you looking for an additional list of products our company can offer to enhance the list of products and manufactures you requested? If so, do you want pricing with appropriate discounts for each product line?**

A41. As stated in the RFQ, the USPTO is seeking a one-stop shopping vehicle that offers a wide array of IT products. We cannot identify all products that may be ordered from any resulting contract, but we have provided examples of IT products that we may be purchasing in the future. Within the page limits identified, please provide a capability statement that addresses your ability to provide a vast array of IT products.

Q42. The vendor is required to price “No. 1 - PowerEdge R710 servers.” It is the Vendor’s option which 2 other specifications it chooses to price.

- 1- Example-The only requirement for servers is the PowerEdge R710, I do not see other specifications. Are you requesting 2 other configurations or 2 other manufactures with the same configuration?**

A42. No, the USPTO is not requesting two (2) other configurations or two (2) other manufactures with the same configuration for the PowerEdge R710 servers. Other specifications are being referred to as the attached list of products to price. Please refer to link below.

Prices for products. Specifications for products that the vendor must price are listed at:
http://tampa-wip.uspto.gov/about/vendor_info/current_acquisitions/DOC52PAPT1200048_2012_general_purpose_Information_technology_equipment_home.jsp

There are numerous specifications that are contained at this website from which the vendor must price 3 specifications. The vendor is required to price “No. 1 - PowerEdge R710 servers.” It is the Vendor’s option which 2 other specifications it chooses to price. The vendor may price any of the specifications, regardless of whether or not they are authorized to sell the items. Once the ID/IQs contracts are awarded, the Vendors must be authorized to sell the products which they are quoting in response to Requests for Quotes (RFQs).

Q43. As noted in the synopsis/solicitation, USPTO currently has several ID/IQ contracts in place to procure hardware and software products. Will these new ID/IQ contracts replace existing contracts or will they be in addition to the current contracts? If these contracts are to be awarded in addition to existing ID/IQ contracts, will ALL contract holders be able to participate on subsequent RFQs or will certain RFQs be restricted to small business, etc.?

A43. The USPTO intends to add to its existing ID/IQ Vendors to fulfill its continuing IT requirements for computer hardware and software products and to promote competition. All ID/IQ orders are generally competed amongst ALL the ID/IQ vendors; however, the USPTO

reserves the right to compete individual requirements, with the selected socio-economic preferences i.e., HUBZone or Service Disabled Veteran-owned businesses, to accomplish its socio-economic goals. There is, however, no guarantee of requirements.

Q44. The RFP states that the proposed prices will NOT be used for purchases, yet require % discount, etc., so will PTO expect that % discount on any subsequent orders?

A44. No, the proposed prices as submitted will be used strictly for evaluation purposes only. There will not be any orders resulting from this pricing. However, the Vendor should state the percentage of discount, if any, as an **example** of the types of discounts the Vendor may offer to the USPTO.

Q45. Will PTO consider changing to NAICS 541519 with Note 18 for IT VARs with 150 employees or less?

A45. Please see Amendment 0001.

Q46. Any chance you would open the requirement up for other small business NAICS codes and dollar amounts.

A46. Please see Amendment 0001.

Q47. Can some or all of the past performance and reference requirements be for work completed by a proposed subcontractor or teaming partner?

A47. No, all Past Performance and reference requirements must be for work completed by the proposed Prime contractor.